

## **CHAPTER 711**

### **LABOR-MANAGEMENT RELATIONS**

1. **POLICY.** Chapter 71 of Title 5, United States Code states that each employee shall have the right to form, join or assist any labor organization, or to refrain from such activity freely and without fear of penalty or reprisal, and each employee shall be protected in the exercise of such rights. The Department of the Navy (DON) recognizes and abides by this statute in the administration of its labor management relations program.

2. **ASSISTANCE.** Please refer to Chapter 001 of this Manual for the telephone number to call for additional information or further assistance relative to this Chapter.

#### **3. DEFINITIONS**

a. *Labor Organization.* A lawful organization of any kind in which employees participate and which exists for the purpose, in whole or in part, of dealing with activities concerning grievances, personnel policies and practices, or other matters affecting the working conditions of employees.

b. *Bargaining Unit.* A grouping of employees found to be appropriate under 5 USC, Chapter 71, for the purpose of being collectively represented by a labor organization.

#### **4. RESPONSIBILITIES**

a. *Heads of Activities.* Where applicable, Activity Heads are responsible for the administration of the labor management relations program within their activity. In keeping with the spirit and intent of Partnership, labor organizations will be encouraged to participate in the formulation, development and implementation of policies and practices relating to working conditions of covered employees.

b. *Managers and Supervisors.* Those who supervise bargaining unit employees are responsible for compliance with the terms and conditions of any negotiated agreements which apply to employees under their supervision. They are also responsible for administering the policies of DON and respective activities when directing the work of their subordinates. Accordingly, this policy should be reflected in the critical elements and standards of the positions of managers and supervisors.

c. *Labor Organizations.* Labor organizations which are granted exclusive recognition have the responsibility to represent the interests of all employees in the bargaining unit without discrimination, including those who elect not to become members of the organization.

d. *Human Resources Office (HRO), Norfolk.* HRO Norfolk is responsible for advising and assisting activities in carrying out their responsibilities, obligations and requirements relating to all aspects of labor management relations.

## 5. REPRESENTATIONAL RIGHTS

a. *Representation at Formal Discussions.* The exclusive representative must be given the opportunity to be represented at any formal discussion between one or more representatives of the agency and one or more employees in the unit or their representatives concerning any grievance or any personnel policy or practice or other general condition of employment. The following are indicators that a discussion is formal: planned in advance, attendance mandatory, records kept, attended by managers higher than the immediate supervisor, concerns new or changed personnel policies, practices, procedures or other general conditions of employment which could affect more than one employee. The exclusive representative must be given a reasonable opportunity to be present, and must be allowed to actively participate in the discussion.

b. *Representation at Employee Examinations/Interviews.* The exclusive representative must be given the opportunity to be represented at any examination of a unit employee by a representative of the agency in connection with an investigation if the employee reasonably believes that the examination may result in disciplinary action against the employee and if the employee requests representation. A representative of the agency has been defined to include agency representatives who may not be employees of the activity, such as agency police and investigators.

6. **DUTY TO BARGAIN.** The exclusive representative must be given advance notice of any proposed changes to established agency conditions of employment and an opportunity to negotiate over such proposed changes to the extent required by law, absent any clear and unmistakable waiver of this statutory right.

7. **DUTY TO FURNISH INFORMATION.** An agency is required to furnish to the exclusive representative, upon request and, to the extent not prohibited by law, data –  
--which is normally maintained by the agency in the regular course of business;  
--which is reasonably available and necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining;  
-- which does not constitute guidance, advice, counsel, or training provided for management officials or supervisors, relating to collective bargaining.

An exclusive representative's request for data is normally required to be in writing, must identify the data sought with sufficient specificity to enable the data to be identified and located, and must state a particularized need to facilitate a determination whether the data sought is necessary for the objectives stated above.

8. **INFORMATION.** Activities where labor organizations have exclusive recognition normally have negotiated agreements in effect which contain provisions that may conflict with information published in this Manual. Any questions or requests for information regarding application of negotiated agreements, union activities, employee activities on behalf of labor organizations, etc., should be referred to HRO Norfolk.